

Nevada Department of Transportation  
Transportation Alternatives Program (TAP)  
Guidance 2013 (revised 5/20/13)

**DRAFT**



Downtown Fallon Pedestrian Project



For additional information about TAP please visit our website at  
[http://www.nevadadot.com/About\\_NDOT/NDOT\\_Divisions/Planning/Alternatives\\_Program.aspx](http://www.nevadadot.com/About_NDOT/NDOT_Divisions/Planning/Alternatives_Program.aspx)

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**I. Purpose & Eligibility**

The Nevada Transportation Alternatives Program (TAP) provides funds for projects that improve non-motorized mobility, historic preservation, scenic accessibility, Safe Routes to School programs, and environmental/vegetation management. The Nevada Recreational Trails program is a part of federal TAP funding however it is being administered through Nevada State Parks (please visit <http://parks.nv.gov/trails/> for more information. While the NDOT encourages the inclusion of TAP projects into existing planned transportation projects, TAP projects may also be pursued on a “stand alone” basis. TAP funded infrastructure projects must be legally accessible to the general public. Safety is an important consideration in the development of projects.

The NDOT’s TAP projects may be sponsored by local governments, school districts, private schools, and tribal governments. Entities located within the boundaries of Metropolitan Planning Organization/Areas (MPOs) are not eligible for this funding through this process. If you are unsure if you are located within the MPO boundary, please contact the NDOT Planning Office.

NDOT will provide Full-Application packets to those eligible entities who submitted a completed Pre-Application which NDOT determined met the minimum eligibility guidelines for the Federal TAP. The Full-Application must be for the same project scope submitted in the Pre-Application. There are three broad categories of project types: 1) community improvement activities, 2) non-motorized transportation, and, 3) Safe Routes to School.

**Community Improvement Activities**

Construction of scenic overlooks, vehicle turnouts and viewing areas - Communities develop the scenic and historic character of highways. These projects make the travel experience educational and attract tourists to local roads.

Traffic calming improvements related to improving the environment for non-motorized users. This may include speed humps, chicanes, speed tables, raised intersections, chokers, closures, road diets, chokers, neighborhood traffic circles, etc.. Traffic calming should achieving slow speeds for motor vehicles, reduce collision frequency and severity, reducing cut-through motor vehicle traffic, increase the safety and the perception of safety for non-motorized users of the street(s), reduce the need for police enforcement, enhance the street environment for non-motorized users, and increase access for all modes of transportation.

Inventory, control, or removal of outdoor advertising - This category includes billboard inventories and removal of illegal and nonconforming billboards. Inventory control may

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include, but not be limited to, data collection, acquisition and maintenance of digital aerial photography, video logging, scanning and imaging of data, developing and maintaining an inventory and control database, and hiring of outside legal counsel

Planning, designing, or constructing boulevards and other roadways largely in the right-of-way of former Interstate System routes or other divided highways

Historic preservation and rehabilitation of historic transportation facilities – This category includes the preservation of buildings and facades in historic districts; restoration of historic buildings for transportation-related purposes; access improvements to historic sites. Restoration of railroad depots, bus stations and lighthouses; rehabilitation of rail trestles, tunnels, bridges and canals.

Archaeological Planning and Research - This category is limited to research on sites relating to impacts from implementation of a transportation project eligible under United States Code of Federal Regulations Title 23 – Highways. This category is not for routine excavations.

Vegetation Management - Vegetation management practices in transportation rights-of-way to improve roadway safety, prevent against invasive species, and provide erosion control.

Archaeological activities relating to impacts from implementation of a transportation project are eligible under the TAP.

Environmental mitigation activities, including pollution prevention and pollution abatement activities and mitigation to;

- address stormwater management, control, and water pollution prevention or abatement related to highway construction or due to highway runoff, including activities described in 23 U.S.C. 133(b)(11), 328(a), and 329; or
- reduce vehicle-caused wildlife mortality or to restore and maintain connectivity among terrestrial or aquatic habitats.

### **Non-Motorized Transportation Facilities**

The Nevada TAP allows for the construction, planning, and design of both on-road and off-road infrastructure-related projects and systems that will provide safe routes for non-drivers. This includes walking and bicycling facilities for children, older adults, and individuals with disabilities. which allow them to access their daily needs. Projects that will increase localized quality of life and mobility, enhance the connectivity of the non-motorized network, and reduce dependence on the automobile will receive a higher priority scoring.

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Bicycle Facilities - may include facilities such as; separated share-use paths, bicycle lanes, signage bicycle boulevards, pavement markings and colorings, innovative treatments, and bicycle network gap closures. Also eligible are bicycle parking racks, bicycle lockers, designated areas with safety lighting, and covered bicycle shelters, and projects related to making bicycling a safer and more appealing alternative to students traveling to and from schools. All bicycle facility projects must be designed and constructed to meet the criteria outlined in *The Guide for Development of Bicycle Facilities (2012 Edition)*, published by the American Association of State Highway and Transportation Officials (AASHTO).

Pedestrian Facilities such as bulb-out crossings, raised crosswalks, raised intersections, median refuges, pedestrian signals, lighting, enhanced mid-block crossings, sidewalk furnishings and trash receptacles, etc. Pedestrian facility projects must be designed and constructed to meet the criteria outlined in the *Guide for the Planning, Design, and Operation of Pedestrian Facilities (2004 Edition)*, published by the American Association of State Highway and Transportation Officials (AASHTO), and must be compliant with the American's with Disabilities Act (ADA) of 1990.

Conversion and use of abandoned railroad corridors for trails - for pedestrians, bicyclists, or other non-motorized transportation users. This category is meant to convert abandoned railroad corridors to trails, helps expand travel and recreational opportunities within communities. Converted rail corridors make ideal trails because of their flat grade, long length, and intact right-of-way. Rail-trails, as these types of trails are called, help to encourage physical activity and reduce air pollution.

### Safe Routes to School Programs

The Nevada TAP encourages projects that substantially improve the ability of kindergarten through 8<sup>th</sup> grade students to walk and bicycle to school. These could include traffic diversions, secure bike/skateboard parking, walking/bicycling encouragement programs, traffic enforcement, education programs related to bicycling and walking as it relates to traffic, safety, health or the environment, public awareness campaigns, safe routes training for government officials and school district personnel, law enforcement overtime, teacher overtime and costs for substitute teachers to enable training of personnel, and Regional Safe Routes to School Coordinators.

Please see Attachment B for a sample summary of eligible categories

## **II. Ineligible Costs**

Though not a comprehensive list, these are some activities that will not be funded with federal TAP monies and are the sponsor's responsibility.

- Landscaping and scenic enhancements as independent projects

- Visitor/Welcome Centers and Transportation Museums
- Historic Preservation of non-transportation facilities
- Bicycle and Pedestrian Safety and education programs targeted at populations other than K-8 grade students
- Acquisition of scenic easements or scenic or historic sites
- Archaeological planning and research as part of mitigation for highway projects
- Operation of historic transportation facilities

### **III. Process**

The NDOT will accept Pre-Applications for new TAP projects on a year-round basis. Sponsors are encouraged to submit Pre-Applications for TAP funded projects at any time during the year. The NDOT will evaluate and rank Full-Applications for projects annually. This application is available on the

[http://www.nevadadot.com/About\\_NDOT/NDOT\\_Divisions/Planning/Alternatives\\_Program.aspx](http://www.nevadadot.com/About_NDOT/NDOT_Divisions/Planning/Alternatives_Program.aspx) webpage.

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#### **NDOT TAP Process**

**#1 Project sponsor submits Pre-Application**

**#2 NDOT determines project eligibility/ineligibility and notifies sponsor**

**#3 If eligible, sponsor submits Full-Application, cost estimate, and supplemental documentation.**

**#4 NDOT Reviews and ranks potential projects based on TAP Scoring Criteria.**

**#5 Ranked list of proposed projects is submitted to the State Transportation Technical Advisory Committee (STTAC) and the Nevada Bicycle and Pedestrian Advisory Board (NBPAB) for advisory endorsements.**

**#6 Advisory endorsements, comments and ranked list are submitted to NDOT Director for Approval**

**#7 If approved, agreements are developed, fully executed and obligation of federal funds confirmed.**

**#8 NDOT issues a Notice to Proceed forward with project.**

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The RTC of Southern Nevada and Washoe RTC will develop their own federally approved TAP process. Potential sponsors of applications within these MPO jurisdictions will need to apply directly to those MPOs via their approved processes.


The Carson Area MPO and Tahoe MPO will have the option to develop their own TAP process or to notify NDOT by April 1<sup>st</sup> of each year if they would like to have their projects compete on a statewide basis.

For the 2013-2014 funding cycle the applications must be submitted directly to the NDOT Planning office in Carson City. This NDOT application process is only for projects outside of the RTC of Southern Nevada's (Clark County), Washoe RTC's (Washoe County), and Carson Area Metropolitan Planning Organization's - CAMPO (Carson City and parts of Lyon and Douglas Counties) jurisdictional boundaries.


### **IV. Funding Provisions**

#### ***Infrastructure Projects***

The TAP program is not a grant program but a cost reimbursement program. Prior to the initiation of the project, it must be included in the NDOT Statewide Transportation Improvement Program (STIP) and authorized by the Federal Highway Administration (FHWA). A fully executed legal agreement is required prior to the NDOT's issuance of a Notice to Proceed.



**A fully executed legal agreement is required prior to the NDOT's issuance of a Notice to Proceed.**



NDOT will provide up to 95 percent of the project costs. The applicant is required to provide a minimum of 5 percent of the project costs.

It is the project applicant's responsibility to ensure that the cost estimate is realistic and will fully meet the project's needs. It is recommended that the services of a licensed professional engineer, registered architect, registered landscape architect, licensed contractor, or safe routes to school coordinator (as applicable) be obtained to assist in the development of the required project services and cost estimates. Costs for professional services associated with preparation of the application are not eligible for reimbursement. Any increase in state/federal funding will require an amendment to the original project agreement.

NDOT has a cost wizard tool available at [http://www.nevadadot.com/About\\_NDOT/NDOT\\_Divisions/Planning/Alternatives\\_Program.aspx](http://www.nevadadot.com/About_NDOT/NDOT_Divisions/Planning/Alternatives_Program.aspx) if the applicant would like to use it for the purpose of estimating infrastructure project costs.

***All Projects***

The sponsor is responsible for all costs over and above the approved awarded funding amount. Funding for project costs in excess of those awarded initially will not be provided. Therefore, obtaining realistic cost estimates for the services/tasks to be performed are extremely important to insure that adequate funding is provided. Sponsors should carefully control increases and overruns as they may jeopardize completion of the entire project. If the Sponsor decides not to complete a project, the applicant will reimburse all TAP expenditures of federal monies to NDOT.

The applicant may be required to commit to manage and maintain the project, on a year round basis, after completion. A facility funded with TAP funds must be open to the public at all times (excluding appropriate maintenance and repair operations).

**V. Sponsor Responsibilities*****Infrastructure projects to be overseen by NDOT Local Public Agency staff:***

To comply with the National Environmental Policy Act (NEPA) and the National Historic Preservation Act, projects must have an environmental review to assess and/or mitigate effects on social, economic and environmental factors. Similarly, work involving sensitive historic structures or archaeological sites must conform to the U.S. Secretary of the Interior's standards and guidelines for archaeology and historic preservation.

The sponsor must carry out and comply with all Federal, State and local laws, and acquire environmental approvals and any required permits from the appropriate Federal, State and local agencies. Also, the sponsor must acquire building and other local permits, if applicable.

Engineering and architectural designs for all facilities must comply to the Americans with Disabilities Act.

NDOT has a cost wizard tool available at

[http://www.nevadadot.com/About\\_NDOT/NDOT\\_Divisions/Planning/Alternatives\\_Program.aspx](http://www.nevadadot.com/About_NDOT/NDOT_Divisions/Planning/Alternatives_Program.aspx) if the applicant would like to use it for the purpose of estimating project costs. Sponsors should carefully control increases and overruns as they may jeopardize completion of the entire project. If the sponsor decides not to complete a project, the applicant will reimburse all federal expenditures to NDOT.



**VI. Funding, Scope, Schedule, and Phasing**

***Maximum project funding is \$650,000***

Changes of project scope will be looked at on a project by project basis. It is the NDOT's intent to allow for changes if they are in the "spirit" of the original project. The NDOT does not want to slow or delay project due to scope changes however, NDOT does reserve the right to ask for additional clarification on scope changes.

The sponsor must adhere to the original project scope. Make sure the application provides for the complete termini and a detailed project description.

**TAP Project Deadlines**

	<b>Projects Constructed through NDOT LPA Process</b>	<b>Projects Constructed by NDOT directly</b>	<b>Non-Construction Projects</b>
<u>Within 30 days</u> after the applicant receives notification that their proposed project has been selected for funding, the applicant must:	Contact NDOT LPA Coordinator 775-888-	Contact NDOT Design Coordinator 775-888-	NDOT TAP Coordinator will contact applicant
<u>Within 1 year</u> after receiving the funding notification the applicant must enter into a legal agreement outlining their responsibilities:	✓	n/a	✓
<u>Within 3 years</u> after receiving the funding notification, the project must be advertised for construction*	✓	✓	n/a
<u>TAP funding has a four year life and must be expended.</u>	✓	✓	✓
Recipients are required to provide monthly updates on project status.	✓	✓	✓

\* This requires having plans, specifications, estimates, certifications (e.g., rights-of-way, environmental, cultural, etc.) and other required documents completed, submitted and approved by the NDOT in order to advertise for construction.

**Notes on above chart**

Failure to meet any of the above-mentioned requirements may result in the cancellation of the project.

Failure to provide project updates may cause the NDOT to determine the applicant is unresponsive and may cancel the project.

Project completion is of upmost importance to NDOT. Monthly updates are needed with NDOT staff this helps to ensure that the project is moving forward. If after contact by NDOT staff there is no response within a 3 month period NDOT may cancel the project. If a project is cancelled because of inactivity it would constitute an applicant's failure to perform.

*If the awarded funding is not being utilized the project may be de-obligated which could lead to the project being cancelled due to a lack of federal transportation funding.*

**VII. Application Instructions and Required Attachments**

Each annual funding cycle for new projects will consist of a two-step application process, beginning with the Pre-Application. . This is a user-friendly form that has a series of questions that will allow NDOT to determine the project need. This Pre-Application is available on the [http://www.nevadadot.com/About\\_NDOT/NDOT\\_Divisions/Planning/Alternatives\\_Program.aspx](http://www.nevadadot.com/About_NDOT/NDOT_Divisions/Planning/Alternatives_Program.aspx) webpage. A supplemental information sheet (currently under development) will also be required .

The Pre-Application will serve to provide information on the applicant, the project, and criteria (Sections 1 and 2) to determine project eligibility. Once reviewed by NDOT, the project sponsor will be notified, and if eligible, encouraged to submit a Full-Application.

For the 2013-2014 funding cycle the applications must be submitted directly to the NDOT Planning office in Carson City. This NDOT application process is only for projects outside of the RTC of Southern Nevada's (Clark County), Washoe RTC's (Washoe County), and Carson Area Metropolitan Planning Organization's - CAMPO (Carson City and parts of Lyon and Douglas Counties) jurisdictional boundaries.

Eligible entities include: Transportation Authorities, Transit Entities, School Districts, Private Schools, Local Governmental Agencies (cities, counties, etc.) Natural Resource or Public Land Agencies, and Tribal Governments. Metropolitan Planning Organizations are not eligible. Non-Profit organizations or interested entities are encouraged to apply but are required to submit their applications through one of the above entities as a sponsor.

**Attachment A**  
**SELECTED\* FEDERAL REQUIREMENTS**

**National Environmental Policy Act (NEPA)**

This act requires Federal agencies to disclose and consider, through an Environmental Assessment and, sometimes, through an Environmental Impact Statement, any significant effect a project may have on the environment (including cultural, natural, social and historical resources). Except in unusual circumstances, a TE project will be processed as a categorical exclusion (CE). A CE does not mean that no environmental work is required, only that there is not a significant environmental effect; therefore, less documentation is required.

**Section 4(f) of the U.S. Department of Transportation Act**

The FHWA cannot approve a project that uses land from a Section 4(f) resource (publicly owned parks, recreation areas, wildlife and waterfowl refuges, and national, state, or local historical sites) unless the project sponsor is also the owner/administrator of the park, or FHWA determines that no feasible alternative exists. In such a case, all efforts must be made to minimize harm to the resource. Note that this Section does not apply to restoration, rehabilitation or maintenance of historic transportation facilities if the work does not adversely affect the resource's historic qualities.

**Section 106 National Historic Preservation Act (NHPA) of 1966**

Federal agencies are required to consider the potential effects of a project on a property that is listed in or eligible for the National Register of Historic Places.

**Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, As Amended**

This act provides requirements in the real property acquisition and provides for relocation payments. Note that all Transportation Alternative projects are subject to the Act except those that do not involve acquisition of additional property or relocations.

**Brooks Act**

Federally assisted consultant contracts for engineering and design services must use qualification-based selection procedures, which disallow price as a factor in the selection process. Note that Ohio's procedures mirror the Brooks Act.

**Competitive Bidding**

Construction projects must be advertised and awarded to the lowest responsible and responsive bidder through open competitive bidding.

**Predetermined Minimum Wage (Davis-Bacon)**

The minimum prevailing wage rate must be paid to all workers on Federal-aid highway projects that exceed \$2,000. Note that if the project is a transportation facility and is eligible solely on function (e.g., restoration of a railroad station, an independent bike path, etc.), then this Act does not apply unless the project is physically located within the existing right-of-way of a Federal-aid highway.

\*This list is by no means comprehensive for the full listing of federal regulations please visit <http://www.ecfr.gov/cgi-bin/ECFR?page=browse>

**TRANSPORTATION ALTERNATIVE PROGRAM CONTACT**

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